IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6024 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SHARADBHAI VAJESHANKERBHAI BHATT

Versus

UNION OF INDIA

Appearance:

MS BELA PRAJAPATI for MR BM MANGUKIYA for Petitioner

NOTICE SERVED for Respondent No. 1

MR MA BUKHARI AGP for Respondent No.2.

MR AR THAKKAR for MR JR NANAVATI for Respondent No. 3

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 18/02/2000

ORAL JUDGEMENT

1. By means of filing this petition under Article 226 of the Constitution the petitioner has prayed for following relief:

"Be pleased to issue a writ of mandamus or in nature of mandamus or a writ of certiorari or in nature of certiorari and quash and set aside the order at Annexure D dated 28.10.1987 and further be pleased to direct the respondents to accept the building plans submitted by the petitioner till the petitioner is registered Architect and further be pleased to direct the respondent No.3 not to insist that the petitioner shall register himself as Architect by paying requisite fees to the Corporation."

2. While issuing notice in the matter, this Court has also granted ad-interim relief in terms of para 22 (C) and thereafter Rule was issued and interim relief was also continued. The petitioner an Architect by profession whose licence came to be cancelled by the Bhavnagar Municipal Corporation vide order dated 28.10.1987 has challenged the said order. It may be appreciated that by virtue of the ad-interim relief the respondents were directed to accept the building plan submitted by the petitioner till the petitioner is registered architect and further directed the respondent No.3 not to insist that the petitioner shall register himself as architect by paying requisite fees to the Corporation.

3. Learned advocate Ms. Prajapati submitted that by virtue of the aforesaid ad-interim relief the Corporation has accepted the building plan submitted by the petitioner. Therefore, the grievance of the petitioner is redressed.

4. Learned advocate Mr. Thakkar for respondent No.3 has also stated that the Corporation has accepted the building plan submitted by the petitioner without insisting that the petitioner shall register himself as an architect before the Corporation by paying requisite fees to the Corporation.

5. Learned advocate Ms. Prajapati states that in view of the aforesaid state of affairs, the petitioner may be permitted to withdraw the petition at this state with liberty to revive the petition in case of any difficulty in future. Learned advocate Mr. Thakkar has no objection if permission to withdraw the petition with liberty to revive the petition in case of any difficulty is granted to the petitioner.

6. In view of this state of affairs, the petition stands disposed of as it is withdrawn with no order as to

costs. Rule is discharged. Ad-interim relief stands vacated. Liberty is reserved to the petitioner to revive the petition in case of difficulty.

(karan)